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11 Attorneys for Defendants  
 QWEST COMMUNICATIONS COMPANY, LLC;  
 12 SPRINT COMMUNICATIONS COMPANY L.P.;  
 LEVEL 3 COMMUNICATIONS, LLC; and  
 13 WILTEL COMMUNICATIONS, LLC

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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO

TODD SMITH, individually and as  
 representative of a class of persons similarly  
 situated,

Plaintiff,

v.

QWEST COMMUNICATIONS COMPANY,  
 LLC; SPRINT COMMUNICATIONS  
 COMPANY, L.P.; LEVEL 3  
 COMMUNICATIONS, LLC; and WILTEL  
 COMMUNICATIONS, LLC,

Defendants.

Case No. CV-11-02599-TEH

**STIPULATION AND [PROPOSED]  
 ORDER RE (1) STAY OF PROCEEDINGS  
 PENDING FINALIZATION OF  
 SETTLEMENT; (2) EXTENSION OF  
 DEFENDANTS' TIME TO RESPOND TO  
 COMPLAINT; AND (3) CONTINUANCE  
 OF CASE MANAGEMENT  
 CONFERENCE**

Courtroom: 12  
 Judge: Hon. Thelton E. Henderson

[Complaint Filed: May 31, 2011]

1 **STIPULATION**

2  
3 IT IS HEREBY STIPULATED by and between Plaintiff Todd Smith ("plaintiff"),  
4 on the one hand, and defendants Qwest Communications Company, LLC ("Qwest"), Sprint  
5 Communications Company L.P. ("Sprint"), Level 3 Communications, LLC ("Level 3"), and  
6 WilTel Communications, LLC ("WilTel") (collectively "defendants"), on the other hand, through  
7 counsel, as follows:  
8

9 WHEREAS, a number of putative class action lawsuits involving subject matter  
10 similar to this lawsuit (together with this action, the "Related Class Actions") are pending in other  
11 federal courts against Qwest, Sprint, Level 3, WilTel, and other telecommunications companies.  
12 Counsel for the parties to the Related Actions (the "Parties"), with the assistance of the mediator  
13 Professor Eric D. Green, have reached agreements on the substantive terms of 46 separate  
14 settlements of the claims asserted in the Related Class Actions and in actions to be filed, subject  
15 to: (a) finalizing settlement documentation, (b) obtaining final corporate approvals, and  
16 (c) implementing the procedural steps necessary to present class action settlements to the multiple  
17 courts involved. The Parties have been working diligently to document and finalize settlement  
18 agreements in a number of the Related Class Actions, to identify an efficient way to present such a  
19 large number of settlements to various courts for approval, and to manage and implement the  
20 settlements and related claims processes. Among other things, the Parties have submitted  
21 finalized class actions settlements to courts in Idaho, Illinois, Alabama, Arizona, North Dakota,  
22 Maine, and Montana, have obtained final approval of the settlements in Idaho and Illinois, and  
23 have obtained preliminary approval the settlements in Alabama, North Dakota, and Montana;  
24

25 WHEREAS, the Parties continue to work towards finalizing all 46 settlements, but  
26 cannot reasonably complete all documentation and file all necessary papers simultaneously in  
27 courts across the country. Accordingly, the Parties are seeking a stay of this litigation, as they have  
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1 done in other pending lawsuits. The Parties continue to expend all of their time and effort on  
2 settlement issues and are not litigating in any of the Related Class Actions;

3

4 WHEREAS, in this action, plaintiff served Requests for Waiver of Service on  
5 defendants on August 12, 2011, and each defendant executed a Waiver of Service. Defendants'  
6 responses to the Complaint are currently due on October 11, 2011. Defendants have not  
7 previously requested any extension of their response deadline;

8

9 WHEREAS, the Court has scheduled an Initial Case Management Conference for  
10 October 24, 2011 at 1:30 p.m. (Doc. 9). The Parties' CMC Statement, therefore, is due no later  
11 than October 17, 2011;

12

13 WHEREAS, requiring defendants to respond to the Complaint and proceeding with  
14 the Initial CMC would not be an efficient use of the Parties' or the Court's time;

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16 NOW THEREFORE, to enable the Parties to continue focusing on settlement,  
17 plaintiff and defendants respectfully stipulate to and request that this Court enter an order:  
18 (1) staying this litigation pending further order of the Court, and providing that the stay will be  
19 lifted automatically upon motion of plaintiff or defendants or upon the filing of a motion for  
20 preliminary approval of a settlement agreement by plaintiff and defendants; (2) extending  
21 defendants' current deadline of October 11, 2011 to respond to plaintiff's Complaint; and  
22 (3) continuing the October 24, 2011 case management conference for three months to January 24,  
23 2012 at 1:30 p.m., or any date thereafter convenient to the Court's calendar, with the parties to file

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2. The date for defendants to answer, move, or otherwise respond to the Complaint is extended until 20 days after entry of any order lifting the stay;

3. The Initial Case Management Conference set for October 24, 2011 shall be continued to \_\_\_\_\_, at 1:30 p.m., and the parties shall file a joint case management conference statement no later than one week prior the case management conference.

IT IS SO ORDERED.

Dated: \_\_\_\_\_

\_\_\_\_\_  
HONORABLE THELTON E. HENDERSON  
UNITED STATES DISTRICT JUDGE